

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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RICHARD W. LEWIS,)
9)
10 Plaintiff,) 03:99-CV-00386-LRH-RAM
11 v.)
12 LINDA AND TYRONE DUFF,)
13 Defendants.)

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Before the court is a motion to dismiss for lack of subject matter jurisdiction (# 379) filed by Linda and Tyrone Duff (the “Duffs”). No opposition has been filed. This court has jurisdiction pursuant to 28 U.S.C. § 1331 as this action arose under the laws of the United States. Specifically, plaintiff Richard Lewis brought this action under 42 U.S.C. § 1983. The fact that Plaintiff cannot prevail in this action does not affect the court’s subject matter jurisdiction.

IT IS THEREFORE ORDERED that the Duffs’ motion to dismiss (# 379) is hereby DENIED.

IT IS SO ORDERED.

DATED this 3rd day of September, 2008.



LARRY R. HICKS
UNITED STATES DISTRICT JUDGE